

NO. PD-0792-17

TEXAS COURT OF CRIMINAL APPEALS

FILED
COURT OF CRIMINAL APPEALS
1/12/2018
DEANA WILLIAMSON, CLERK

STATE OF TEXAS

Appellant

V.

AMANDA WATERS

Appellee

**UNOPPOSED APPELLEE'S FIRST MOTION
TO EXTEND TIME TO FILE REPLY BRIEF**

Now comes Amanda Waters, Appellee in the above styled and numbered cause, and moves this Court to grant an extension of time to file Appellee's Reply Brief. This motion is made according to Rules 70.2 and 10.5(b) of the Texas Rules of Appellate Procedure and for good cause Appellee shows the Court the following:

I. PROCEDURAL HISTORY

- A. *The State of Texas v. Amanda Waters*, case number 68,878-F, was heard in the County Court at Law Number Two, Wichita County, Texas. On June 29, 2016 the trial court granted Appellee's Application for Writ of Habeas Corpus barring prosecution of the case on the grounds of collateral estoppel.
- B. On July 14, 2016, the Appellant filed its Notice of Appeal.
- C. On July 7, 2017 the Texas Second Court of Appeals issued its judgment affirming the trial court's decision in cause number 02-16-00274-CR.

- D. On September 6, 2017 Appellant filed its Petition for Discretionary Review.
- E. On October 25, 2017 the Court granted Appellant's Petition for Discretionary Review.
- F. On December 12, 2017 Appellant filed its Brief on the Merits.
- G. On January 4, 2018 an Amicus Curiae brief was received by the Court from the 105th District Attorney's Office.

II. DEADLINE AND PREVIOUS EXTENSIONS

The deadline for filing Appellee's Reply Brief is January 11, 2018. The length of the extension sought is 30 days. No previous extensions have been granted concerning Appellee's brief. Appellee is not incarcerated.

III. FACTS IN SUPPORT OF EXTENSION

Appellee relies on the following facts as good cause for the requested extension:

Counsel is also drafting a brief in a pending appeal, *State of Texas v. Rhonda Marie Hartzell*, appellate cause number 02-17-00140-CR. Counsel is also preparing a pending case, styled *United States of America v. Jeremy Miller*, cause number 7:17-CR-008-O scheduled for a jury trial in federal court on January 30, 2018. This request is not done merely for delay, but that justice may be done and an informed and concise brief may be filed with this Court.

PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, Appellant prays that this Court grant this thirty (30) day extension of time until February 10, 2018.

Respectfully submitted,

Law Office of Scott Stillson, PLLC
900 Eighth Street, Suite 1230
Wichita Falls, TX 76301
Tel: (940) 228-7437
Fax: 1 (888) 492-9527
Email: attorney@scottstillsonlaw.com

By: /s/ Scott Stillson
Scott Stillson
State Bar No. 24047272

CERTIFICATE OF CONFERENCE

On January 11, 2018 I conferred with Jennifer Ponder of the Wichita County District Attorney's Office, and she did not object to the extension to file Appellee's brief.

/s/ Scott Stillson
Scott Stillson
Attorney for Appellee

CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing was served by electronic service to the Wichita County District Attorney's Office on January 11, 2018.

/s/ Scott Stillson
Scott Stillson
Attorney for Appellee